

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO. CR00-506-TSZ
)	
Plaintiff,)	
)	
v.)	SUMMARY REPORT OF U.S.
)	MAGISTRATE JUDGE AS TO
KENNETH B. JOHNSON,)	ALLEGED VIOLATIONS
)	OF SUPERVISED RELEASE
Defendant.)	
_____)	

An initial hearing on supervised release revocation in this case was scheduled before me on October 10, 2006. The United States was represented by AUSA Annette Hayes for Tessa M. Gorman and the defendant by Nancy Tenney for Carol A. Koller. The proceedings were digitally recorded.

Defendant had been sentenced on or about June 14, 2001 by the Honorable Thomas S. Zilly on a charge of Distribution of Methamphetamine, and sentenced to 72 months custody, 5 years supervised release. (Dkt. 22).

The conditions of supervised release included the standard conditions plus the requirements that defendant participate in mandatory drug testing and a substance abuse treatment program,

01 abstain from alcohol, submit to search, participate in a mental health program, provide access to
02 financial information, not be self-employed or employed by friends or family without approval of
03 probation officer, obtain approval for all employment, not work for cash, and provide probation
04 officer with regular pay stubs.

05 Defendant's probation officer reported on March 29, 2005 that defendant had violated the
06 conditions of supervised release by using methamphetamine. This was the first positive test since
07 commencing supervision. Defendant was reprimanded, placed in a structured testing program,
08 and referred for professional assessment, counseling and intensive outpatient treatment. (Dkt. 26.).

09 On September 21, 2005, defendant admitted to violating the conditions of supervised
10 release by being arrested and charged with driving with a suspended license, speeding and refusing
11 to comply with police, failing to report for urinalysis, and failing to reside in and successfully
12 complete a placement in a halfway house. (Dkt. 29.) Defendant was sentenced to three months
13 in custody, with supervised release re-imposed for 56 months with the original conditions of
14 supervision. Defendant was ordered to reside in a halfway house for four months. (Dkt. 38; see
15 also Dkt. 39.).

16 In an application dated September 22, 2006 (Dkt 40), U.S. Probation Officer Jennifer J.
17 Tien alleged the following violations of the conditions of supervised release:

- 18 1. Using methamphetamine on or before July 25, 2006 in violation of standard
19 condition 7.
- 20 2. Using cocaine on or before August 16, 2006 in violation of standard condition 7.
- 21 3. Using methamphetamine and THC on or before August 31, 2006 and September
22 6, 2006 in violation of standard condition 7.

01 4. Failing to report for urinalysis testing, as instructed on March 27, 2006, April 3,
02 2006, June 26, 2006, August 15, 25, 29, 2006, and September 18 and 19, 2006 in violation of
03 standard condition 7.

04 5. Failing to participate in Moral Reconation Therapy (MRT) as instructed by his
05 probation officer, in violation of standard condition 2.

06 Defendant was advised in full as to those charges and as to his constitutional rights.

07 Defendant admitted the alleged violations and waived any evidentiary hearing as to
08 whether they occurred.

09 I therefore recommend the Court find defendant violated his supervised release as alleged,
10 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
11 set before Judge Zilly.

12 Pending a final determination by the Court, defendant has been detained.

13 DATED this 11th day of October, 2006.

14 

15 Mary Alice Theiler
16 United States Magistrate Judge

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18 cc: District Judge: Honorable Thomas S. Zilly
19 AUSA: Annette Hayes; Tessa M. Gorman
20 Defendant's attorney: Nancy Tenney; Carol A. Koller
21 Probation Officer: Jennifer J. Tien
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